

or control. The term includes agreements, contracts, letters, emails, telegrams, inter-office communications, memoranda, reports, records, instructions, specifications, notes, notebooks, scrapbooks, diaries, diagrams, photographs, photocopies, charts, graphs, descriptions, drafts, minutes of meetings, conferences, telephone calls or other conversations or communications, recordings, published or unpublished speeches or articles, publications, transcripts of telephone conversations, ledgers, financial statements, microfilm, microfiche, tape, video, disk or diskette recordings and computer printouts. The term "document" also includes electronically stored data from which information can be obtained either directly or by translation through detection devices or readers; any such document is to be produced in a reasonably legible and usable form. The term "document" includes the original document (or a copy thereof if the original is not available) and all copies that differ in any respect from the original, including but not limited to any notation, underlining, marking or information not on the original.

15. "FCC" or "Commission" means the Federal Communications Commission.

16. "FCC Formula" refers to the methodology prescribed by the Federal Communications Commission, which appears at 47 C.F.R. § 1.1409.

17. "Gulf Power" means and refers to Gulf Power Company, and each of its affiliated corporations, parents, subsidiaries, divisions and other organizations or operating units, its predecessors and successors-in-interest, and each of its present and former directors, officers, agents, employees, voting trustees, auditors, accountants, attorneys, servants or representatives, including but not limited to employees, consultants, attorneys or other agents having possession, custody or control of documents or

information called for by these requests, and all other persons acting or purporting to act on its behalf.

18. "Identify" or "identity" means to state or a statement of:

- a. In the case of a person other than a natural person, its legal name, the address of its principal place of business, its telephone number, and the name of its chief executive officer;
- b. In the case of a natural person, his or her name, business telephone number, home and business addresses, employer, and title or position;
- c. In the case of a service, the identity of its producer or distributor and its trade name;
- d. In the case of a document,
 - (i) the title of the document,
 - (ii) the author(s),
 - (iii) the title or position of the author(s),
 - (iv) the addressee(s),
 - (v) the title or position of the addressee(s),
 - (vi) the type of document,
 - (vii) the date it was prepared,
 - (viii) the number of pages it comprises,
 - (ix) the identity of all persons indicated as receiving copies of the documents,
 - (x) the identity of all persons who have received copies of, or been shown the document or any part thereof,
 - (xi) its subject matter,
 - (xii) its present location or custodian, and
 - (xiii) a reference to the document, if it has been produced;
- e. In the case of geographic boundaries, location or coverage, a narrative description identifying the states and the areas of such states and all political subdivisions thereof included, in whole or in part, within the geographic boundaries, location or coverage.
- f. In the case of a verbal communication, discussion or meeting,
 - (i) the type of communication, discussion or meeting,
 - (ii) its date or approximate date,
 - (iii) the identity of its participants or attendees,
 - (iv) its general subject matter, and

- (v) a description of any documents or tangible objects used or referred to in the course of the discussion, summarizing, recounting, or referring to the verbal communication, discussion or meeting.

19. "Including" means including but not limited to.

20. "Information service" means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing or making available information via telecommunications, and includes electronic publishing.

21. "Make-ready" means all work, costs and expenses associated with affixing Complainants' attachments to poles owned or controlled by Gulf Power, including but not limited to pole change-outs, placement, rearrangement or transfer of facilities or other changes necessary to accommodate Complainants' attachments or other attachers' facilities in a network of poles.

22. "Or" means and/or.

23. "Person" means any natural person, corporation, partnership, company, sole proprietorship, unincorporated association or society, incorporated association, institute, joint venture, firm, governmental body or other legal entity, whether privately or publicly owned or controlled, for profit or not-for-profit or partially or fully government owned or controlled.

24. "Pole" means any utility pole owned or controlled by Gulf Power to which attachments are or may be affixed.

25. "Relate to" and "relating to" mean, without limitation, to make a statement about, refer to, discuss, describe, reflect, contain, identify or in any way pertain to, in whole or in part, or being logically, legally or factually related.

26. "Respondents" refers to Gulf Power Company, as defined above, and its agents, representatives, officers, directors and employees.

27. "Safety Space" means the vertical clearance between communications lines and electric lines on poles as set forth in the National Electrical Safety Code (NESC Table 235-5).

28. "Telecommunications" means the transmission, between or among points specified by the users, of information of the user's choosing, without change in the form or content of the information as sent or received.

29. "Telecommunications service" means the offering of telecommunications for a fee directly to the public, or such classes of users as to be effectively available to the public, regardless of the facilities used, and includes without limitation dark fiber.

30. "You," "you," "Your" and "your" mean and refer to Gulf Power Company, as defined above.

31. The singular form of a noun or pronoun shall be considered to include within its meaning the plural form of the noun or pronoun, and vice versa. The masculine form of a noun or pronoun shall be considered to include within its meaning the feminine form of the noun or pronoun, and vice versa.

32. Regardless of the tense employed, all verbs shall be read as applying to the past, present and future as is necessary to make any paragraph more, rather than less, inclusive.

INSTRUCTIONS

1. In accordance with Rule 1.325 of the Federal Communications Commission, answer each document request separately, unless it is objected to, in which

event, state reasons for objection in lieu of an answer, and answer each other portion of the document request to which no objection is asserted.

2. If you are unable to answer a document request fully, submit as much information as is available and explain why Your answer is incomplete. If precise information cannot be supplied, submit (a) Your best estimate or judgment, so identified, and set out the source or basis of the estimate or judgment, and (b) provide such information available to you as best approximates the information requested. Where incomplete answers, estimates or judgments are submitted, and you know of or have reason to believe there are other sources of more complete or accurate information, identify or describe those other sources of information.

3. In responding to document requests, preface each answer by restating the request to which the answer is addressed. Where a request for information includes subparagraphs (*e.g.*, (a), (b), (c)), or subdivisions (*e.g.*, (i), (ii), (iii)), answer each subparagraph or subdivision separately.

4. These document requests are continuing in nature and include all documents and information prepared or received by you between the date of receipt of this request and the date of final determination in the hearing designated in this Action. Unless otherwise expressly provided, each document request covers any document or information prepared, received, distributed, or in effect during the period from January 1, 1998 unless otherwise stated to the date of final determination in the hearing. Your responses to these document requests should be supplemented as soon as you receive and/or become aware of supplemental information but in any case not later than thirty (30) days prior to any hearing addressing the merits of any party's claim or defenses.

5. For any objection that is based on an asserted claim of privilege, state:

(a) a brief description of the subject matter of the asserted privileged information;

(b) the nature of the privileged claimed;

(c) the paragraph(s) of the interrogatory to which the information is otherwise responsive;

(d) the nature and basis of the privilege claimed;

(e) the source(s) of the information; and

the identities of all persons to whom such information has been communicated or with whom it has been shared, in whole or in part.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Produce all documents referring to, relating to, or regarding any of the facts or allegations described in Gulf Power's or the Complainants' pleadings in File No. PA 00-004 and this Action.

2. Produce all documents referring to, relating to, or regarding occupation of Gulf Power-owned or -controlled poles by Complainants since January 1, 1998. Such documents should include, but not be limited to:

- a. Facilities maps, diagrams, and other schematic documents;
- b. Pole counts, surveys or audits;
- c. Pole Attachment Permit Applications;
- d. Pole Attachment Permits;

- e. Make-ready documents (including surveys, studies, photographs, etc. relating to any and all work performed on Gulf Power-owned or -controlled poles, including pole change-outs, transfers and relocations);
- f. Make-ready payment records, bills, and any other information about Gulf Power attachment procedures);
- g. Work orders, service orders or maintenance requests;
- h. Accounting documents referring to, relating to, or regarding Complainants' pole attachments;
- i. Invoices;
- j. All written correspondence to and from Gulf Power (including email communications) and other documentation concerning telephone or in-person communications relating to any of the above matters.

3. Produce all documents reviewed by, or produced or written by, any consultant, expert witness, or other entity that Gulf Power has used or is using to study or report upon Gulf Power poles containing attachments by Complainants.

4. Produce all documents referring to, relating to, or regarding any communication, whether oral, written or otherwise, concerning annual pole rental charges or the performance of make-ready work, from January 1, 1998 to the present, on poles owned or controlled by Gulf Power between Gulf Power and any other person, including but not limited to, Complainants, other cable operators, telecommunications carriers, or any other entity attached to poles owned or controlled by Gulf Power. Your response should include documents that identify all such make-ready work performed, including

installed equipment, subcontracts, service requests, work orders, time sheets, material costs and site diagrams or maps.

5. Produce all documents referring to, relating to, or regarding any surveys, audits or pole counts conducted by Gulf Power, its agents or any other person from 1996 through the present, including Gulf Power requests for proposals.

6. Produce all documents referring to, relating to, or regarding formal or informal Gulf Power policies or field practices concerning utilization of cross-arms, extension arms, or boxing arrangements.

7. Produce all documents referring to, relating to, or regarding approvals or denials of requests to employ cross-arms, extension arms, or boxing arrangements by Gulf Power or any other entity attaching to Gulf Power-owned or -controlled poles.

8. Produce all documents referring to, relating to, or regarding pole change-outs performed for Complainant cable operators since 1998, including documents that identify all such work performed, including installed equipment, subcontracts, service requests, work orders, time sheets, and site diagrams or maps.

9. Produce all documents referring to, relating to, or regarding pole change-outs necessitated by Gulf Power's core electricity service requirements, including documents that identify all such work performed, including installed equipment, subcontracts, service requests, work orders, time sheets, and site diagrams or maps.

10. Produce all documents referring to, relating to, or regarding pole change-outs requested by third parties, including but not limited to communications attachers, including documents that identify all such work performed, including installed

equipment, subcontracts, service requests, work orders, time sheets, and site diagrams or maps.

11. Produce all documents identifying all engineers, technicians, and/or workmen who performed any type of work, labor or service relating to change-outs of Gulf Power-owned or -controlled poles, and identifying the material costs, work, labor, or service that was performed and when it was performed.

12. Produce all documents referring to, relating to, or regarding refusals by Gulf Power to change-out a pole and identify all persons who participated in the decision, including but not limited to Gulf Power managers, engineers, technicians and/or workmen.

13. Produce all documents referring to, relating to, or regarding Gulf Power's procedures for changing-out a pole and identify all persons who participated in the development of such procedures.

14. Produce all documents referring to, relating to, or regarding Gulf Power's pole inventory records, including but not limited to documents relating to Gulf Power policies and procedures for maintaining its pole inventory.

15. Produce all documents referring to, relating to, or regarding Gulf Power's purchasing, sharing, pooling, or other arrangements for utilizing inventories of poles with affiliated corporations, parents, subsidiaries, and other organizations or operating units.

16. Produce all documents referring to, relating to, or regarding the Safety Space and Gulf Power specifications, regulations and/or policies implementing the Safety Space on poles owned or controlled by Gulf Power.

17. Produce any and all joint use pole agreements, including but not limited to all drafts thereof, between Gulf Power and other entities.

18. Produce any and all pole attachment agreements, including but not limited to all drafts thereof, between Gulf Power and any other entities, including Complainants, other attachers, and Gulf Power's affiliated corporations, parents, subsidiaries, divisions and other organizations or operating units, and their predecessors and successors-in-interest.

19. Produce any and all documents referring to, relating to, regarding or comprising a bona fide development plan or plans, including but not limited to all drafts thereof, that reasonably and specifically projects a need for pole space in the provision of Gulf Power's core utility service, including all documents that refer or relate to those documents that comprise the bona fide development plan or plans.

20. Produce all documents referring to, relating to, or regarding correspondence from Gulf Power to Complainants reserving pole space for future use for its core electricity operations.

21. Produce all documents that constitute Gulf Power's pole specifications book (whether it is called "standard distribution specifications," "overhead construction specifications," or another title), including but not limited to all drafts thereof, in effect between January 1, 1998 and the present. In the event Gulf Power revised the specifications book between January 1, 1998 and the present, produce all versions of the specifications book in effect during this period.

22. Produce all documents referring to, relating to, or regarding any pole loading data maintained by Gulf Power, including but not limited to weight and wind

loading, or pole loading program (including electronic computer programs) used by Gulf Power.

23. Produce all documents referring to, relating to, or regarding Gulf Power's upgrades, modernization, or replacement of its poles from 1998 through the present.

24. Produce all documents referring to, relating to, or regarding the facts, data, calculations and other information that support Gulf Power's claim for a pole attachment rental rate in excess of marginal cost.

25. Produce all documents referring to, relating to, or regarding any maps, diagrams, schematics, or depictions of the specific Gulf Power poles that You claim are at "full capacity," "crowded," or have "insufficient capacity" or a "lack of capacity."

26. Produce all documents referring to, relating to, or regarding any actual losses experienced by Gulf Power that it claims are associated with Complainants' pole attachments on Gulf Power poles, including any documents pertaining to any "higher valued use" or "another buyer of the space waiting in the wings" as described in *Alabama Power v. FCC*.

27. Produce all documents referring to, relating to, or regarding the methodologies, formulae, cost accounts, data and/or other bases, if any, used by Gulf Power in calculating or formulating pole attachment rental rates in excess of marginal cost.

28. Produce all documents referring to, relating to, or regarding negotiations between communications attachers and Gulf Power which discussed, or led to the payment of, pole attachment rental rates exceeding the FCC's Cable or Telecommunications Formula, 47 U.S.C. § 224(d) and (e) and implementing regulations.

29. Produce all documents referring to, relating to, or regarding negotiations between joint users (e.g., an incumbent local exchange carrier) and Gulf Power which discussed, or led to the payment of, pole attachment rental rates exceeding the FCC's Cable or Telecommunications Formula, 47 U.S.C. § 224(d) and (e) and implementing regulations.

30. Produce all documents referring to, relating to, or regarding negotiations between non-Section 224, non-joint user attachers (e.g., R. L. Singletary, Inc. and Crest Corporation) and Gulf Power which discussed, or led to the payment of, pole attachment rental rates exceeding the FCC's Cable or Telecommunications Formula, 47 U.S.C. § 224(d) and (e) and implementing regulations.

31. Produce all documents referring to, relating to, or regarding cost methodologies, or concepts from or portions of cost methodologies, other than the Sales Comparison Approach, Current Replacement Cost Approach and the Federal Concessions Leasing Model, that Gulf Power may seek to use to determine a pole attachment rental rate exceeding the FCC's Cable or Telecommunications Formula, 47 U.S.C. § 224(d) and (e) and implementing regulations.

32. Produce all documents referring to, relating to, or regarding Gulf Power's application of the Sales Comparison Approach to determine a pole attachment rental rate exceeding the FCC's Cable or Telecommunications Formula, 47 U.S.C. § 224(d) and (e) and implementing regulations.

33. Produce all documents referring to, relating to, or regarding Gulf Power's application of the Current Replacement Cost Approach to determine a pole attachment

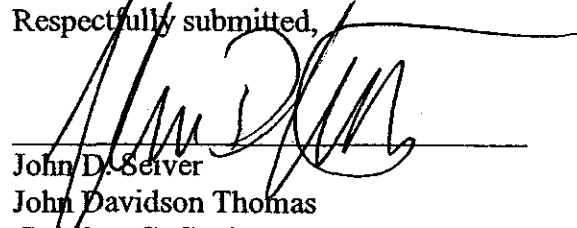
rental rate exceeding the FCC's Cable or Telecommunications Formula, 47 U.S.C. § 224(d) and (e) and implementing regulations.

34. Produce all documents referring to, relating to, or regarding Gulf Power's application of the Federal Concessions Leasing Model to determine a pole attachment rental rate exceeding the FCC's Cable or Telecommunications Formula, 47 U.S.C. § 224(d) and (e) and implementing regulations.

35. Produce all documents and other materials that relate to or were referenced in your answers to Complainants' First Set of Interrogatories.

Michael A. Gross
Vice President,
Regulatory Affairs and
Regulatory Counsel
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Respectfully submitted,



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COX COMMUNICATIONS GULF COAST,
L.L.C., COMCAST CABLEVISION OF
PANAMA CITY, INC., MEDIACOM
SOUTHEAST, L.L.C., and BRIGHT HOUSE
NETWORKS, L.L.C.**

February 1, 2005

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Complainants' First Set Of Requests For Production Of Documents To Gulf Power Company* has been served upon the following by electronic mail, telecopier and U.S. Mail on this the 1st day of February, 2005:

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Debra Sloan

EXHIBIT C

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FLORIDA CABLE
TELECOMMUNICATIONS ASSOCIATION,
INC., COX COMMUNICATIONS GULF
COAST, L.L.C., et. al.

Complainants,

v.

GULF POWER COMPANY,

Respondent.

E.B. Docket No. 04-381

To: Office of the Secretary

Attn.: The Honorable Richard L. Sippel
Chief Administrative Law Judge

GULF POWER'S RESPONSES TO COMPLAINANTS'
FIRST SET OF INTERROGATORIES TO RESPONDENT

Gulf Power Company ("Gulf Power") responds to Complainants' First Set of Interrogatories as follows:

GENERAL RESPONSES AND OBJECTIONS

1. Gulf Power object to each and every interrogatory to the extent it seeks information protected by the attorney-client privilege or work-product doctrine.
2. Gulf Power objects to the interrogatories, generally, in that they far exceed the discovery limitations imposed by the Presiding Judge's December 17, 2004 Order ("not to exceed 50 without subparts").
3. Gulf Power objects to each and every interrogatory to the extent complainants' purpose in propounding such interrogatory is to subject Gulf Power to annoyance, expense, embarrassment, or oppression.
4. By responding to any particular interrogatory, Gulf Power does not waive its objections.

5. Gulf Power reserves the right to supplement and/or amend these responses and objections. In particular, a number of Gulf Power's responses will require supplementation after completion of the audit being performed by Osmose Utilities Services, Inc. ("Osmose").

SPECIFIC RESPONSES AND OBJECTIONS

1. Identify the total annual number of Gulf Power poles, for each year from 2000 through the present, on which you contend that cable operator Complainants have been attached, and identify the specific annual number of pole attachments for each cable operator Complainants for each year during this period of time.

RESPONSE:

	2000	2001	2002	2003	2004	2005
Cox Communications Gulf Coast, L.L.C.	61,655	64,862	65,107	65,715	66,169	66,727
Comcast Cablevision of Panama City, Inc.	13,392	14,597	14,597	14,659	14,728	14,824
Comcast JOIN Holding, Inc.	7,060	7,679	7,679	7,679	7,679	7,679
Mediacom Southeast, L.L.C.	11,622	14,054	14,054	14,266	14,519	17,059
*Bright House Networks, L.L.C.						
Time Warner Entertainment Company L.P. (Chibley)	4,905	5,241	5,356	5,356	5,404	5,404
Time Warner Entertainment-Advance/Newhouse (Cantonment)	8,435	8,807	8,807	8,948	8,959	8,991

* Time Warner became Bright House Networks, L.L.C. January 2003.

** Numbers are from the 2001 Joint (Bellsouth and CATV companies) Pole Count.

2. Identify your definition or understanding of the phrase "full capacity" within the meaning of the Alabama Power v. FCC standard, and identify and define any differences between your use or understanding of "full capacity" and the terms "crowded" or "lack of capacity." In addition, identify with specificity the basis upon which you propose to quantify or measure "full capacity" for an individual pole. Provide any applicable citation to safety codes, specifications, agreements or economic or regulatory literature that supports your response.

RESPONSE: Gulf Power understands the phrase "full capacity" (as used in APCo v. FCC) to mean a pole that cannot host further communications attachments, consistent with Gulf Power's own core use, the NESC, existing contractual obligation, and sound engineering practice, without expansion or addition of facilities (including cross-arms, guy wires, etc.). Gulf Power understands the term "crowded" to mean a pole that is close to being at "full capacity" – in other words, a pole with room for only one additional communications attachment. For the purposes of this

proceeding only, Gulf Power proposes to measure the visually identifiable, physical "crowding" or "full capacity" as set forth in the Osmose Statement of Work.

The safety code provisions and specifications which support this definition of "crowding" or "full capacity" include the following:

- a. Vertical clearance between the bottom of electric utility transformers (30") and telecommunication/CATV cable attachment.
[NESC, Rule 238 Table 238-1 page 148 in the code].
- b. Vertical clearance between electric utility transformer bus conductors (40") and telecommunication/CATV cable attachment.
[NESC, Rule 235C1 Table 235-5 page 126, 131].
- c. Vertical clearance between electric utility neutral conductor (40") and telecommunication/CATV cable attachment.
[NESC, Rule 235C1 Table 235-5 page 126, 131].
- d. Vertical clearance between electric utility riser (40") and telecommunication/CATV cable attachment.
[NESC, Rule 235C1 Table 235-5 page 126, 131].
- e. Vertical clearance between electric utility outdoor lighting (12") and telecommunication/CATV cable attachment.
[NESC, Rule 238D page 147].
- f. Vertical clearance between electric utility mid-span spacing (30") and telecommunication/CATV cable attachments.
[NESC Rule 235C1 or 235C2 (depending on which supply conductor) for neutral TPX use 235C1 exception 3 for svc drops. For midspan neutrals use 235C2b1a this implies 12" is OK midspan as long as 30" is maintained at the structures].
- g. Vertical clearance between telecommunication/CATV mid-span spacing (4") and other telecommunication/CATV cable attachments.
[NESC Rule 235H].
- h. Telecommunication/CATV cable attachments clearances over roads (15.5' and over DOT roads 18') and pedestrian accessible areas (9.5").
[NESC Rule 232B1 Table 232-1 page 72, 78].
- i. Attachers with vertical ground on poles must bond to electric utility ground.
[NESC Rule 097G page 26].

- j. Attachers down guys on Gulf Powers poles must have less than (4') separation between their down guys and ours.
[Gulf Power requirement via spec plates].

The "agreements" which support this definition of "crowding" or "full capacity" include Gulf Power's joint use agreements with BellSouth, Sprint and GTC. (See Bates labeled documents Gulf Power 2098 through 2148).

3. For the pole attachments identified in response to Interrogatory No. 1, identify, for each cable operator Complainant for the period from 2000 through the present: the total number of Gulf Power poles that you contend were, are, or have been at "full capacity" within the meaning of the Alabama Power v. FCC standard;" the location and individual pole number of the specific poles you contend were, are, or have been at "full capacity;" the specific period of time you contend the poles you identified were, are, or have been at "full capacity;" and the specific reason or reasons why you contend such poles were, are, or have been at "full capacity."

RESPONSE: Gulf Power contends that all poles identified in response to interrogatory number 1, at all times since 2000, were either "crowded" or at "full capacity." For the purposes of this proceeding, Gulf Power has contracted with Osmose to perform an audit of its poles to ascertain crowding band on vertical clearances. Following completion of the audit, Gulf Power will supplement this response to identify those poles meeting the definition of "crowded" as used in the Osmose Statement of Work.

4. For the poles identified in response to Interrogatory No. 3 which you contend were, are, or have been at "full capacity," identify, for each year from 2000 through the present and for each cable operator Complainant, the number of such poles for which you contend that Gulf Power had or has "waiting in the wings" "another buyer of the space" occupied by Complainants' attachments or some other space on Gulf Power poles; identify all such "buyers;" identify the period of time when they were, are, or have been "waiting in the wings" and explain Gulf Power's understanding of the term "waiting in the wings;" identify what rate or compensation such other buyer was, is, or has been ready, willing, and able to pay to Gulf Power for access to the space occupied by Complainants' attachments or some other space on Gulf Power poles; identify whether such other buys has obtained an attachment to Gulf Power poles and, if so, how such attachment was accomplished; and whether the pole you assert was at "full capacity" was or was not replaced or substituted and the reasons therefore.

RESPONSE: Gulf Power understands the phrase "waiting in the wings" (as used in APCo v. FCC) to be figurative, insofar as requiring identification of an actual buyer would completely reject the hypothetical "willing buyer" standard and thus be at odds

with more than 100 years of United States Supreme Court jurisprudence. In each instance where Gulf Power has changed-out a pole for capacity reasons to accommodate a new attacher, a "buyer" had been "waiting in the wings" for space on a "crowded" or "full capacity" pole. Sometimes those buyers have been ready, willing and able to pay the Cable Rate; sometimes the Telecom Rate; and sometimes a market rate. The most prominent instance of such occurrence is in the context of major build-outs. (See Gulf Power's January 8, 2004 Description of Evidence).

5. For the poles identified in response to Interrogatory No. 3 which you contend were, are, or have been at "full capacity" and for which you have not had "another buyer of the space" "waiting in the wings" as specified in response to Interrogatory No. 4, identify, for each year from 2000 through the present, and for each cable operator Complainant, all poles, by total number, and individual pole number and location, for which you contend Gulf Power was, is, or has been willing, during the period from 2000 through the present, to put the space occupied by Complainants to a "higher valued use with its own operations;" identify what that "higher value used" was, is, or has been; identify how and why such use is of a "higher value" than the make-ready and annual per-pole compensation received by Gulf Power from Complainants; and quantify the difference between the make-ready and annual per-pole compensation paid by Complainants to Gulf Power and the "higher value" that you claim. Provide any applicable citation to economic or regulatory literature that supports your response.

RESPONSE: Gulf Power objects to the first half of the question on the grounds that it is vague, ambiguous, and impossible to understand. Subject to and without waiving this objection, Gulf Power believes that any space occupied by a cable company can be put to a "higher valued use." The space can be reserved for sale to players in the burgeoning Telecom market; the space can be reserved for non-regulated communications attachers; the space can be used for Gulf Power's own communications use (or that of its affiliates). From Gulf Power's perspective, merely forcing the cable companies to develop their own infrastructure, rather than freeload on Gulf Power's facilities, is itself a "higher valued use." This is especially true in light of the Enforcement Bureau's trend towards operational micro-management and evisceration of conventional commercial contract protections (See, e.g., CTAG).

6. For all of the poles that you identified in response to Interrogatories 4 and 5, identify, for each year from 2000 through the present, the annual per-pole compensation received by Gulf Power from each cable operator Complainant.

RESPONSE:

	2000	2001	2002	2003	2004	2005
Cox Communications Gulf Coast, L.L.C.	\$6.20	\$6.20	\$6.20	\$6.20	\$6.20	\$6.20
Comcast Cablevision of Panama City, Inc.	\$5.65	\$5.65	\$5.65	\$5.65	\$5.65	\$5.65
Comcast JOIN Holding, Inc.	\$6.25	\$6.25	\$6.25	\$6.25	\$6.25	\$6.25
Mediacom Southeast, L.L.C.	\$5.98	\$5.98	\$5.98	\$5.98	\$5.98	\$5.98
Bright House Networks, L.L.C.						
Time Warner Entertainment Company L.P. (Chipley)	\$6.30	\$6.30	\$6.30	\$6.30	\$6.30	\$6.30
Time Warner Entertainment-Advance/Newhouse (Cantonment)	\$6.30	\$6.30	\$6.30	\$6.30	\$6.30	\$6.30

7. For all of the poles that you identified in response to Interrogatories 4 and 5, identify the marginal costs to Gulf Power of each of cable operator Complainants' attachments for which you claim a right to compensation at a rate greater than that under the FCC formula plus make-ready.

RESPONSE: Gulf Power contends that its marginal costs for each CATV attachment are equal to what the cable formula (plus a charge for grounds and arrestors) yields.

8. For all of the poles that you identified in response to Interrogatories 4 and 5, identify every attaching entity other than Complainants attached to each such pole; describe how many attachments on each such pole those other attaching entities have had or have, when such attachments commenced, and where those attachments are located on each pole; and state the make-ready and annual per-pole compensation received by Gulf Power from each attaching entity other than Complainants (including any Gulf Power affiliates). Specifically identify the number of attaching entities paying Gulf Power annual compensation under the FCC's telecommunications rate formula (47 U.S.C. § 224(e) and implementing regulations).

RESPONSE: Gulf Power will supplement this response upon completion of the Osmose audit.

9. Identify, quantify, and explain the basis of any actual loss (income or other revenue) that Gulf Power contends that it has experienced from 2000 to the present, which it alleges was caused by attachments of cable operator Complainants (and explain in your answer how the alleged actual losses are or will be proved, including any reliance upon Gulf Power's specifications, accounting records, engineering documents, or testimony).

RESPONSE: From 2000 to the present, Gulf Power's actual loss is measured by the difference between the rate paid by complainants and just compensation, plus interest at the

maximum allowable legal rate. Gulf Power is not claiming as damages any actual loss other than the difference in rates, plus interest.

10. For all of the poles that you identified in response to Interrogatories 4 and 5, identify the precise rate (i.e., in dollars and cents) that you contend constitutes a "just compensation" annual pole attachment rental rate for Complainants' attachments and specify the poles, by number and location, for which you are seeking that rate and the basis and method of calculating that rate.

RESPONSE: Gulf Power contends, and has contended since 2000, that \$40.60 is the annual just compensation rate. Gulf Power is considering seeking other alternative rates based on the calculations of its valuation experts. Gulf Power expects each of these alternative rates to be less than \$40.60. Gulf Power will identify the precise and methodology upon disclosure of its valuation experts according the December 17, 2004 Order. Gulf Power will identify the specific poles for which it seeks a higher rate after completion of the Osmose audit.

11. Identify all persons, whether or not employed by Gulf Power, who have knowledge or information referring to, relating to, or regarding Gulf Power's factual and legal contentions in FCC Docket Numbers: P.A. No. 00-004 or E.B. No. 04-381, including Gulf Power's contentions in its January 2004 "Description of Evidence" and its December 2004 "Preliminary Statement on Alternative Cost Methodology."

RESPONSE: Gulf Power objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Subject to and without waiving these objections, Gulf Power list the following:

	Name	Employment
1.	Ben Bowen	Gulf Power Co.
2.	Andy McQuagge	Gulf Power Co.
3.	Doug Stuckey	Gulf Power Co.
4.	Terry Davis	Gulf Power Co.
5.	Tom Park	Southern Company
6.	Tommy Forbes	Gulf Power Co.
7.	Representative of Opposing Parties	
8.	Mike Dunn	GPC, Retired
9.	Robert Calhoun	Knology
10.	Bret McCants	Knology
11.	Wayne Singleton	Knology
12.	Rex Brooks	Gulf Power Co., Retired
13.	Mike Dunn	Gulf Power Co., retired

This list excludes counsel for Gulf Power and other parties. This list also excludes Gulf Power's experts and the personnel of its pole audit contractor.

12. Identify all persons who provided assistance or information used in answering these interrogatories and list the corresponding interrogatory numbers for which they provided the assistance or information.

RESPONSE: Gulf Power objects to this interrogatory on the grounds that it is unduly burdensome and vague. Subject to and without waiving these objections, Gulf Power lists the following:

	Name	Employment	Misc
1.	Ben Bowen	Gulf Power Co.	
2.	Andy McQuagge	Gulf Power Co.	
3.	Doug Stuckey	Gulf Power Co.	
4.	Rex Brooks	Gulf Power Co., Retired	
5.	Keith L. Reese, PE	Georgia Power Co.	NESC expert
6.	Terry Davis	Gulf Power Co.	
7.	Tom Park	Southern Company	

13. Identify each individual whom you may call as a witness at any hearing in this Action, or who may provide written testimony, and state the subject matter on which each witness is expected to testify. If the witness is an expert witness, state the substance of the findings and the opinion(s) to which the witness is expected to testify, and the grounds and basis for each finding and opinion.

RESPONSE: Gulf Power will provide this information in accordance with the Presiding Judge's March 30, 2005 Order.

14. If you contend that Complainants, or any officer, director, agent, employee acting on behalf of Complainants, have made any admission, or taken or failed to take any action, that would preclude or tend to preclude Complainants from recovering under the claims they have submitted in this Action, identify and describe the substance of each such admission, action or omission, the person who made that admission or took or failed to take such action, and the person to whom such admission was made.

RESPONSE: Gulf Power does not understand complainants to be seeking recovery "under [any] claims they have submitted in this Action."

15. Identify and describe every communication, whether oral, written or otherwise, between you and any of your agents or employees, and any other person,

including, but not limited to, Complainants, other cable operators, other telecommunications carriers, or any other entity attached to poles owned or controlled by you, relating to annual pole rental charges or the performance of or payment for make-ready work from 1998 through to the present on poles owned or controlled by Gulf Power.

RESPONSE: Gulf Power objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Gulf Power further objects on the grounds that this interrogatory is intended for purposes annoyance or oppression.

16. Identify and describe all entities (including non-communications attachers) that are, or have been, attached to poles owned or controlled by Gulf Power since 1998.

RESPONSE:

Name:	
1. Americable International, Inc.	
2. B&I Cable Communications, Inc.	
3. Knology Inc.	
4. CableSouth, Inc.	
5. Cablevision Systems, Inc.	
6. Comcast Cablevision Corp.	
7. Comcast Cablevision of Panama City, Inc.	
8. Comcast JON Holding, Inc.	
9. Community Cable Corp.	
10. Cox Communications Pensacola, Inc.	
11. Cox Communications Gulf Coast LLC	
12. Tarente Cablevision USA	
13. Jones Incredible, Ltd.	
14. Springfield Cable Vision	
15. TCI Cablevision of Florida, Inc.	
16. TCI TKR of the Gulf Plains, Inc.	
17. Time Warner Entertainment Advance/Newhouse Partnership	
18. Time Warner Entertainment Company, L.P.	
19. Bright House Networks, LLC	
20. Emerald Coast Cablevision of Florida, Inc.	
21. Mediacom Southeast LLC	
22. Washington Cable TV, Inc.	
23. City of Valparaiso	
24. Campbellton Cable TV	
25. Peoples First Financial S. & J.	
26. Frangista Beach Inn	

27.	The Crest Corporation	
28.	R. B. Singletary, Inc.	
29.	Mallard Cablevision, LLC	
30.	DCA Services Division NAF Contracting	
31.	Walton County	
32.	Adelphia Business Solutions	
33.	KMC Telecom II, Inc.	
34.	Madison River Communications, LLC	
35.	Southern Light, LLC	
36.	BellSouth Telecommunications, Inc.	
37.	Sprint Florida, Inc.	
38.	GTC, Inc.	
39.	Town of Cinco Bayou	
40.	City of Crestview	
41.	City of DeFuniak Springs	
42.	City of Ponce De Leon	
43.	City of Destin	
44.	City of Fort Walton Beach	
45.	City of Mary Esther	
46.	Town of Shalimar	
47.	City of Valparaiso	
48.	City of Bonifay	
49.	Town of Caryville	
50.	City of Chipley	
51.	City of Graceville	
52.	City of Lynn Haven	
53.	City of Panama City	
54.	City of Panama City Beach	
55.	City of Vernon	
56.	Town of Century	
57.	City of Gulf Breeze	
58.	City of Milton	
59.	Santa Rosa County	
60.	DOT	
61.	MCI Telecommunications	
62.	Bay County Traffic	
63.	Perdue Farms	
64.	Walton County	
65.	City of Pensacola	
66.	School District of Escambia County	
67.	Gulf Coast Building Products, Inc.	

17. Identify and describe any surveys, audits or pole counts conducted by Gulf Power, its agents or any other person from 1996 through the present. Please specify in

your answer the dates or time periods of these surveys, audits or pole counts, an explanation of their methodologies and all categories of information collected concerning attaching facilities and their ownership on the poles. In addition, please identify the names, titles and employers of all persons involved in the surveys, audits or pole counts.

RESPONSE: Gulf Power has conducted two pole counts from 1996 to the present day; they were done in 1996 and 2001. The 1996 count was done from approximately April 1, 1996 to November 2, 1996. The 2001 pole count was conducted from approximately February 5, 2001 to April 27, 2001.

Both pole counts were conducted with the same methodologies and collected the same information. Gulf Power, with the appropriate telephone company, conducted a total joint use pole count over Gulf Power's entire service territory. The pole counts were done with teams of one Gulf Power representative accompanied by one telephone company representative, either BellSouth or Sprint (The one exception to this system was in the 2001 count where BellSouth contracted Gulf Power to count the Bellsouth areas). Teams would count by Gulf Power grid maps in each of the telephone company's respective service areas that overlap Gulf Power's service area. Each team is tasked with the (a) location and ownership of all joint use poles on the map, (b) assigning a sequential number to each pole for identification and counting, (c) and lastly, to identify each CATV or telecom attacher, if any, that is on each joint use pole identified on the grid maps. This process was followed until all the grid maps were counted.

Reports would then be produced that would show (1) the number of Gulf Power attachments on telephone poles, (2) the number of telephone attachments on Gulf Power poles and, (3) the number and company name of all CATV and telecommunication attachments made to both Gulf Power poles and each telephone company.

Below is a list of names of persons that worked for Gulf Power on each of the two pole counts.

1996 Pole Count		
Name		
Alan Barton		
Ben Bowen		
Mark Serafin		
R. Payne		
Robert T. Sanders Sr.		
David Lee		
Rex Brooks		

2010-2011 Season		
Name		
Ben Bowen		
Rex Brooks		
Carolyn Sirmon		
Keith Johnson		
Dave Hill		
Pat Bolster		
Jason Poe		
Larry Arant		
Larry Little		
Steve Rhodes		
Curtis Brown		
Joe Marshall		
Stephanie Cobb		
Donnie Bell		
Brian Evans		
Raquel Morgan		
Kenny Barron		
Bill Weintritt		
Ernest Robinson		
Glenn Crutchfield		
Bruce Guernsey		
Bill Stinson		
Bill Cassenti		
Louis Dodd		

18. Identify the total number of poles owned or controlled by Gulf Power that utilize cross-arms, extension arms, or boxing arrangements and describe those arrangements, the parties who attachments use such arrangements, and the reasons for utilizing them.

RESPONSE: Gulf Power objects to this interrogatory on the grounds that it overly broad, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information which is not relevant to the hearing issues.

19. Of the total number of poles owned or controlled by Gulf Power that utilize cross-arms, extension arms, or boxing arrangements, identify and describe those individual poles to which Complainants are attached that use such arrangements and the reasons for utilizing these arrangements.

RESPONSE: Gulf Power objects to this interrogatory on the grounds that it overly broad, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information which is not relevant to the hearing issues.

20. Identify and describe, for each cable operator Complainants, the number of Gulf Power poles that have been changed out from 1998 to the present in order to accommodate attachments of Complainants, the location of any such change-outs, the reasons for each change-out, and identify any and each instance in which Gulf Power was not reimbursed by Complainants for the costs of such change-outs.

RESPONSE: Gulf Power objects to this interrogatory on the grounds that it overly broad, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information which is not relevant to the hearing issues. To the extent the information sought is discoverable, it is the subject of other interrogatory responses and Gulf Power's responses to complainants' request for production.

21. Identify and describe the number of Gulf Power poles that have been changed-out on account of a communications attacher's request (other than Complainants) and the circumstances surrounding such replacement or substitution (i.e., specify the reason for the change-out and the party whose action or request necessitated it).

RESPONSE: Gulf Power objects to this interrogatory on the grounds that it overly broad, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information which is not relevant to the hearing issues. To the extent the information sought is discoverable, it is the subject of other interrogatory responses and Gulf Power's responses to complainants' request for production.

22. Identify and describe the number of Gulf Power poles that have been changed-out on account of a non-communications attacher's request and the circumstances surrounding such change-out (i.e., specify the reason for the change-out and the party whose action or request necessitated it).

RESPONSE: Gulf Power objects to this interrogatory on the grounds that it overly broad, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information which is not relevant to the hearing issues. To the extent the information sought is discoverable, it is the subject of other interrogatory responses and Gulf Power's responses to complainants' request for production.

23. Identify and describe the number of Gulf Power poles that have been changed-out on account of Gulf Power's core electricity service requirements and the circumstances surrounding such change-out (i.e., specify the reason for the change-out and the party whose action or request necessitated it).

RESPONSE: Gulf Power objects to this interrogatory on the grounds that it overly broad, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information which is not relevant to the hearing issues. To the extent the information sought is discoverable, it is the subject of other interrogatory responses and Gulf Power's responses to complainants' request for production.

24. Identify and describe the occasions on which Gulf Power has refused to change-out a pole. Your response should include, but not be limited to, a description of the circumstances surrounding the refusal, the identification of the entity requesting the pole replacement, and an explanation of the reasons for Gulf Power's refusal and any alternate arrangement employed.

RESPONSE: Gulf Power objects to this interrogatory on the grounds that it overly broad, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information which is not relevant to the hearing issues.

25. Describe and explain the steps and procedures involved in changing-out a pole, from a prospective attacher's request (or Gulf Power's own core electricity need) to completion (i.e., including processing, procurement, placement and transfer of existing facilities and equipment, including estimated time periods).

RESPONSE: Gulf Power objects to this interrogatory on the grounds that it overly broad, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information which is not relevant to the hearing issues.

26. Identify all persons involved in developing Gulf Power's pole make-ready and change-out procedures, their titles and responsibilities, and a description of their roles in formulating the procedures, and identify the specific persons, whether or not employed by Gulf Power, that You rely upon to determine whether make-ready or a change-out is needed, or whether a Gulf Power pole is at "full capacity," "crowded," or has a "lack of capacity."

RESPONSE: Gulf Power objects to this interrogatory on the grounds that it overly broad, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information which is not relevant to the hearing issues.

27. Identify and describe the number, type, and size (in feet and diameter) of poles in Gulf Power's inventory annually between 1998 and the present.

RESPONSE: Gulf Power objects to this interrogatory on the grounds that it is vague and ambiguous. To the extent this interrogatory seeks information regarding Gulf

Power's in-service pole inventory, Gulf Power responds as follows (Pole data for 2004 will not be available until mid-summer 2005. 2005 pole date will not be available until mid-summer 2006):

Number and height of Poles as of December 31, 1998		Number and height of Poles as of December 31, 1999	
	Number		Number
30 ft.	51,166	30 ft.	50,971
35 ft.	73,268	35 ft.	75,225
40 ft.	65,445	40 ft.	67,005
45 ft.	22,142	45 ft.	23,038
50 ft.	5,646	50 ft.	6,039
55 ft.	1,375	55 ft.	1,449
60 ft.	390	60 ft.	403
65 ft.	115	65 ft.	126
70 ft.	37	70 ft.	37
75 ft.	17	75 ft.	17
80 ft.	25	80 ft.	25
85 ft.	8	85 ft.	8
95 ft.	4	95 ft.	4
100 ft.	6	100 ft.	6
	Number		Number
35 ft.	3	35 ft.	3
40 ft.	15	40 ft.	15
45 ft.	43	45 ft.	44
50 ft.	8	50 ft.	14
55 ft.	1	55 ft.	1
60 ft.	0	60 ft.	0
65 ft.	98	65 ft.	100
70 ft.	20	70 ft.	20
75 ft.	5	75 ft.	5

Number and height of Poles as of December 31, 2000		Number and height of Poles as of December 31, 2001	
	Number		Number
30 ft.	50,845	30 ft.	50,604
35 ft.	76,350	35 ft.	76,729
40 ft.	68,101	40 ft.	68,101
45 ft.	23,797	45 ft.	24,126
50 ft.	6,390	50 ft.	6,687
55 ft.	1,511	55 ft.	1,620
60 ft.	408	60 ft.	418
65 ft.	124	65 ft.	115
70 ft.	40	70 ft.	40
75 ft.	17	75 ft.	20
80 ft.	25	80 ft.	25
85 ft.	8	85 ft.	8
95 ft.	4	95 ft.	4
100 ft.	6	100 ft.	6

Number and height of Poles as of December 31, 2002	Number	Number and height of Poles as of December 31, 2003	Number
35 ft.	3	35 ft.	9
40 ft.	15	40 ft.	15
45 ft.	44	45 ft.	57
50 ft.	15	50 ft.	26
55 ft.	1	55 ft.	15
60 ft.	0	60 ft.	0
65 ft.	100	65 ft.	101
70 ft.	20	70 ft.	20
75 ft.	5	75 ft.	5
		125 ft.	4

Number and height of Poles as of December 31, 2002		Number and height of Poles as of December 31, 2003	
Number and height of Poles as of December 31, 2002	Number	Number and height of Poles as of December 31, 2003	Number
30 ft.	50,317	30 ft.	50,089
35 ft.	78,988	35 ft.	79,968
40 ft.	69,856	40 ft.	70,493
45 ft.	25,148	45 ft.	25,627
50 ft.	7,235	50 ft.	7,357
55 ft.	1,794	55 ft.	1,822
60 ft.	446	60 ft.	447
65 ft.	124	65 ft.	117
70 ft.	40	70 ft.	43
75 ft.	20	75 ft.	20
80 ft.	25	80 ft.	25
85 ft.	8	85 ft.	8
95 ft.	4	95 ft.	4
100 ft.	6	100 ft.	6
Number and height of Poles as of December 31, 2002	Number	Number and height of Poles as of December 31, 2003	Number
35 ft.	10	35 ft.	9
40 ft.	15	40 ft.	15
45 ft.	60	45 ft.	61
50 ft.	39	50 ft.	45
55 ft.	72	55 ft.	73
60 ft.	12	60 ft.	12
65 ft.	101	65 ft.	101
70 ft.	20	70 ft.	20
75 ft.	5	75 ft.	5
125 ft.	4	125 ft.	4

28. Does Gulf Power share, pool, or otherwise utilize an inventory of poles owned or controlled by affiliated corporations, parents, subsidiaries, and other organizations or operating units, and, if so, indicate and explain in detail the manner in which Gulf Power shares, pools, or otherwise utilizes such inventory.

RESPONSE: Gulf Power objects to this interrogatory on the grounds that it is vague and ambiguous. Subject to and without waiving this objection, Gulf Power shares some in-service poles with Bellsouth, GTC and Sprint pursuant to joint use agreements.

29. Gulf Power represents that it will seek to present evidence of instances in which it has changed-out poles "due to lack of capacity." Describe and explain the circumstances in which a Gulf Power pole, according to You, had and/or has a "lack of capacity" and state where (by pole number and location) and when, if at all, any such determination of "lack of capacity" was made with respect to Gulf Power poles containing any of Complainants' attachments.

RESPONSE: A pole has a "lack of capacity" when another attachment cannot be made. (See response to interrogatory number 2 above). The determination of which poles lack capacity is made by field employees while riding the line to determine the feasibility of an attachment request. Such decisions are made almost everyday in the field and there is no way of identifying each instance where this has occurred. Complainants had attachments on poles changed-out in the build-outs referenced in Gulf Power's January 8, 2004 Description of Evidence

30. Identify and explain every instance in which Gulf Power has changed-out a pole containing one or more of Complainants' attachments at Gulf Power's own expense (i.e., unreimbursed) as a result of a need to accommodate an electric transformer or other Gulf Power equipment or facility.

RESPONSE: It is not possible to identify each such instance, but Gulf Power changes-out poles at its own expense almost everyday in the field. If Gulf Power sees a pole that needs to be changed-out to serve a customer, Gulf Power changes-out the pole and serves its customer as fast as possible.

31. From the "Recommendations" proposed in Gulf Power's Distribution Studies and load planning documents furnished to Complainants on January 11, 2005, identify and describe those "Recommendations" that Gulf Power actually implemented, the specific numbers and locations of poles affected, whether additional pole capacity on those was actually utilized by Gulf Power, measurements indicating how much space was required, and if any Recommendation was not implemented, the reasons therefore.

RESPONSE: Gulf Power objects to this interrogatory on the grounds that it is vague, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information irrelevant to the hearing issues.

32. In its January 8, 2004 Description of Evidence, Gulf Power represents that it will seek to present evidence of the 40-inch safety zone requirement and its impact on Gulf Power's provision of core electricity operations. Describe and explain with specificity Gulf Power's implementation of the safety zone requirement and how it relates to Gulf Power's determination of "full capacity," "crowding," "lack of capacity" or "insufficient capacity" on a pole; Gulf Power's reservation of pole

space for future use; or any higher-valued use under the *Alabama Power v. FCC* standard.

RESPONSE: There must be 40" of vertical separation between the lowest electrical equipment and the highest communications equipment. The presence of communications attachers requires 40" of "dead" space on a pole and thus severely limits already-limited usable space on a pole.

33. Does Gulf Power develop and maintain a bona fide development plan that reasonably and specifically projects a need for pole space in the provision of its core utility service, and if so, identify and describe such plans (including the dates and authors of those plans) that applied or apply since 1998.

RESPONSE: Yes. See Gulf Power 00005 -- 00809.

34. Does Gulf Power routinely inform prospective and existing attachers when it reserves pole space for future use for its core electricity operations, and if so, identify and describe all such reservations and notifications to attachers, including Complainants, since 1998.

RESPONSE: Yes. Prospective attachers are shown and/or given a copy of Gulf Power's "spec plate" prior to attaching.

35. Does Gulf Power contend that it requires the use of reserved pole space currently occupied by Complainants, and if so, identify all such pole space, the specific poles at issue by number and location, and describe Gulf Power's and the electric industry's practice concerning whether attachers, including Complainants, are given the opportunity to pay for the cost of any modifications needed to rearrange or change-out the poles and to continue to maintain their attachments.

RESPONSE:

36. Does Gulf Power contend that it may charge Complainants that are already attached to its poles the rearrangement or change-out costs of modifications required as a result of an additional attachment or the modification of an existing attachment sought by any other attachers, including Gulf Power? Explain the basis for your answer.

RESPONSE: Gulf Power Company's contention and position on charges to complainants for "rearrangement or change-out costs of modifications" is the same as, based upon, and as required by 47 U.S.C. § 224(h)-(i), which provides as follows:

(h) Modification or alteration of pole, duct, conduit, or right-of-way

Whenever the owner of a pole, duct, conduit, or right-of-way intends to modify or alter such pole, duct, conduit, or right-of-way, the owner shall provide written notification of such action to any entity that has obtained an attachment to such conduit or right-of-way so that such entity may have a reasonable opportunity to add to or modify its existing attachment. Any entity that adds to or modifies its existing attachment after receiving such notification shall bear a proportionate share of the costs incurred by the owner in making such pole, duct, conduit, or right-of-way accessible.

(i) Costs of rearranging or replacing attachment

An entity that obtains an attachment to a pole, conduit, or right-of-way shall not be required to bear any of the costs of rearranging or replacing its attachment, if such rearrangement or replacement is required as a result of an additional attachment or the modification of an existing attachment sought by any other entity (including the owner of such pole, duct, conduit, or right-of-way).

37. Does Gulf Power contend that payment of make-ready expenses by an attacher is insufficient to reimburse Gulf Power for its marginal costs, and if so, explain the basis of any such contention.

RESPONSE: Yes. See response to interrogatory number 7 above. The APCo v. FCC decision uses the term "marginal costs" interchangeably with the Cable Rate.

38. Identify and describe all facts, documents, data and other information that support Gulf Power's claim for a pole attachment rental rate from any cable operator Complainants in excess of marginal cost.

RESPONSE: Gulf Power objects to this interrogatory on the grounds that it is overly broad and unduly burdensome insofar as it seeks a reiteration of all legal principles, facts and documents addressed since the outset of this proceeding and the proceeding leading to the APCo v. FCC opinion.

39. Identify and explain the methodologies, formulae, cost accounts, data and/or other bases, if any, used by Gulf Power in calculating or formulating the pole attachment rental rate in excess of marginal cost and identify all persons, whether or not employed by Gulf Power, involved in any way in the determination of such methodologies, formulae, cost accounts, data and/or other bases.

RESPONSE: Gulf Power will disclose this information in accordance with the Presiding Judge's March 30, 2005 Order.

40. Identify all documents that reflect or refer to negotiations between communications attachers (including Complainants) and Gulf Power involving pole attachment rental rates exceeding the FCC's Cable or Telecommunications Formula, 47 U.S.C. § 224(d) and (e), and implementing regulations.

RESPONSE: See documents within Bates range Gulf Power 00826 -- 2309.

41. Identify all documents that reflect or refer to negotiations between joint users of a pole (i.e., an incumbent local exchange carrier) and Gulf Power involving pole attachment rental rates exceeding the FCC's Cable or Telecommunications Formula, 47 U.S.C. § 224(d) and (e), and implementing regulations.

RESPONSE: See documents Bates labeled as Gulf Power 2089 -- 2148.

42. Identify all documents that reflect or refer to negotiations between non-Section 224, non-joint user attachers (e.g., R. L. Singletary, Inc. and Crest Corporation) and Gulf Power involving pole attachment rental rates exceeding the FCC's Cable or Telecommunications Formula, 47 U.S.C. § 224(d) and (e), and implementing regulations.

RESPONSE: See documents within Bates range Gulf Power 00826 -- 2309.

43. Does Gulf rely on, or intend to rely on, any cost methodologies, or concepts from or portions of cost methodologies, other than the Sales Comparison Approach, Current Replacement Cost Approach and the Federal Concessions Leasing Model? If so, please identify and describe with specificity these additional cost methodologies and/or concepts, and explain why Gulf Power contends they are applicable to Gulf Power's claims for additional compensation from Complainants.

RESPONSE: Not presently. Gulf Power reserves the right to employ different methodologies. If it does so, those methodologies will be disclosed in accordance with the Presiding Judge's March 30, 2005 Order.

Gulf Power does not currently pay rental rates to any other joint user pole owners due to being the majority pole owner in all joint use pole relationships.

44. Describe and explain Gulf Power's understanding of the Sales Comparison Approach as highlighted in Gulf Power's December 3, 2004 "Preliminary Statement on Alternative Cost Methodology," and explain Gulf Power's application of this approach to calculating pole attachment rental rates.

RESPONSE: The Sales Comparison Approach looks to other sales of identical property (free of government regulation). Gulf Power will explain its application of the Sales Comparison Approach when it discloses its experts in accordance with the Presiding Judge's December 17, 2004 Order.

45. Identify the pole attachment rental rates paid to Gulf Power by joint users, the specific amount of pole space leased by such joint users, and explain the methodologies, if any, used to calculate these rates.

RESPONSE:

TREC Rate Information						
Company:						
BellSouth Telecommunications Inc.	\$58.84	\$60.72	\$66.00	\$67.51	\$69.08	\$70.82
Sprint-Florida, Inc.	\$23.96	\$23.96	\$26.50	\$26.50	\$26.50	\$26.50
GTC, Inc.	\$21.97	\$22.68	\$27.04	\$27.04	\$27.04	\$27.04

TREC Space Leased from Gulf Power Company			
Company:			
BellSouth Telecommunications Inc.	2'-0"	2'-6"	3'-0"
Sprint-Florida, Inc.	Not specified	2'-6"	3'-0"
GTC, Inc.	Not specified	2'-6"	3'-0"

BellSouth, Sprint-Florida, Inc. and GTC, Inc.: Rate Calculation

$$\text{Rate} = \text{Investment} \times \text{Annual Charge} \times \text{Space Allocation}$$

46. Identify the pole attachment rental rates paid by Gulf Power to other joint users pole owners, the specific amount of pole space leased by Gulf Power from such joint users, and explain the methodologies, if any, used to calculate these rates.

RESPONSE:

Gulf Power Company Pole Space Leased from TREC			
Company:			
BellSouth Telecommunications Inc.	2'-0"	6'-0"	8'-6"
Sprint-Florida, Inc.	Not specified	6'-0"	8'-6"
GTC, Inc.	Not specified	6'-0"	8'-6"

47. Describe and explain Gulf Power's understanding of the Current Replacement Cost Approach as highlighted in Gulf Power's December 3, 2004 "Preliminary Statement on Alternative Cost Methodology," and explain Gulf Power's application of this approach to calculating pole attachment rental rates.

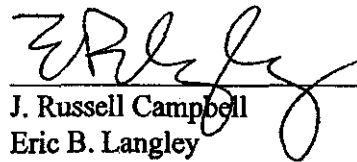
RESPONSE: The Current Replacement Cost Approach, which is a recognized fair market value proxy, looks to the current cost of reproducing the property. It relies on current costs, unlike the Cable Rate and Telecom Rate which rely on disfavored historic costs. Gulf Power will explain its application of the Current Replacement Cost Approach when it discloses its experts in accordance with the Presiding Judge's March 30, 2005 Order.

48. Describe and explain Gulf Power's understanding of the Federal Concessions Leasing Model as highlighted in Gulf Power's December 3, 2004 "Preliminary Statement on Alternative Cost Methodology," and explain Gulf Power's application of this approach to calculating pole attachment rental rates.

RESPONSE: The Federal Concessions Leasing Model is a valuation method proposed by Gulf Power's valuation experts. It uses the Federal government's own methodology for valuing property for which there is no market, or which does not have an easily ascertainable market value. Gulf Power will explain its application of the Federal Concessions Leasing Model when it discloses its experts in accordance with the Presiding Judge's March 30, 2005 Order.

Respectfully submitted,

Ben A. Bowen, Gulf Power Co.



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Counsel for Respondent

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Responses To Complainants' First Set Of Requests For Production Of Documents has been served upon the following by Electronic Mail and by Federal Express on this the 18th day of April, 2005:

Lisa Griffin Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 Via E-mail	Shiela Parker Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 Via E-mail
James Shook Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 Via E-mail	Rhonda Lien Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 Via E-mail
John D. Seiver Brian D. Josef COLE, RAYWID & BRAVERMAN 1919 Pennsylvania Avenue, N.W. Suite 200 Washington, D.C. 20006 Via E-mail	John W. Berresford Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 Via E-mail

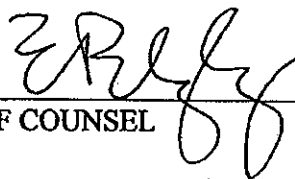

OF COUNSEL

EXHIBIT D

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

FLORIDA CABLE
TELECOMMUNICATIONS ASSOCIATION,
INC., COX COMMUNICATIONS GULF
COAST, L.L.C., et. al.

Complainants,

v.

GULF POWER COMPANY,

Respondent.

E.B. Docket No. 04-381

To: Office of the Secretary

Attn.: The Honorable Richard L. Sippel
Chief Administrative Law Judge

**GULF POWER'S RESPONSES TO COMPLAINANTS'
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

Gulf Power Company ("Gulf Power") responds to Complainants' First Set of Requests

For Production Of Documents as follows:

GENERAL RESPONSES AND OBJECTIONS

1. Gulf Power object to each and every request for production to the extent it seeks information protected by the attorney-client privilege or work-product doctrine.
2. By responding to any particular request for production, Gulf Power does not waive its objections.
3. Gulf Power objects to each and every interrogatory to the extent complainants' purpose in propounding such interrogatory is to subject Gulf Power to annoyance, expense, embarrassment, or oppression.
4. Gulf Power reserves the right to supplement and/or amend these responses and objections.

SPECIFIC RESPONSES AND OBJECTIONS

1. Produce all documents referring to, relating to, or regarding any of the facts or allegations described in Gulf Power's or the Complainants' pleadings in File No. PA 00-004 and this Action.

RESPONSE: Gulf Power objects to this request for production on the grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Gulf Power is either producing herewith, or making available for inspection and copying upon reasonable notice, a substantial number of documents responsive to this request.

*Document
Request* ✓

2. Produce all documents referring to, relating to, or regarding occupation of Gulf Power-owned or -controlled poles by Complainants since January 1, 1998. Such documents should include, but not be limited to:
 - a. Facilities maps, diagrams, and other schematic documents;
 - b. Pole counts, surveys or audits;
 - c. Pole Attachment Permit Applications;
 - d. Pole Attachment Permits;
 - e. Make-ready documents (including surveys, studies, photographs, etc. relating to any and all work performed on Gulf Power-owned or -controlled poles, including pole change-outs, transfers and relocations);
 - f. Make-ready payment records, bills, and any other information about Gulf Power attachment procedures);
 - g. Work orders, service orders or maintenance requests;
 - h. Accounting documents referring to, relating to, or regarding Complainants' pole attachments;
 - i. Invoices;
 - j. All written correspondence to and from Gulf Power (including email communications) and other documentation concerning telephone or in-person communications relating to any of the above matters.

RESPONSE: Gulf Power objects to this request on the grounds that it is unduly burdensome, insofar as it seeks boxes upon boxes of documents which are kept at multiple Gulf Power offices, and are not necessarily maintained according to the categorization set forth in the request. Gulf Power further objects to this request for production on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, and in many instances, seeks documents either created by complainants themselves or seeks documents which complainants already have in their possession. Subject to and without waiving these objections, Gulf Power, upon reasonable notice, will make all such documents available for inspection and/or copying at the locations where they are kept.

3. Produce all documents reviewed by, or produced or written by, any consultant, expert witness, or other entity that Gulf Power has used or is using to study or report upon Gulf Power poles containing attachments by Complainants.

RESPONSE: Gulf Power will work with complainants to reach an agreed-upon a reasonable scope of expert discovery, and produce such agreed-upon documents at the appropriate time. Gulf Power already has produced, and filed of record, the Statement of Work between Osmose Utilities Services, Inc. ("Osmose") and Gulf Power. Gulf Power also has consulted with a valuation expert, who has been given materials and has prepared certain written materials for review by Gulf Power's counsel.

4. Produce all documents referring to, relating or, or regarding any communication, whether oral, written or otherwise, concerning annual pole rental charges or the performance of make-ready work, from January 1, 1998 to the present, on poles owned or controlled by Gulf Power between Gulf Power and any other person, including but not limited to, Complainants, other cable operators, telecommunications carriers, or any other entity attached to poles owned or controlled by Gulf Power. Your response should include documents that identify all such make-ready work performed, including installed equipment, subcontracts, service requests, work orders, time sheets, material costs and site diagrams or maps.

RESPONSE: Gulf Power objects to this request for production on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Gulf Power will, upon reasonable notice, make available for inspection and copying, all requested make-ready work orders. See also the documents produced in response to interrogatory numbers 40 and 42.

5. Produce all documents referring to, relating to, or regarding any surveys, audits or pole counts conducted by Gulf Power, its agents or any other person from 1996 through the present, including Gulf Power requests for proposals.

RESPONSE: Gulf Power will make available, upon reasonable notice, for inspection and copying the 1996 and 2001 pole counts – the only such counts performed since 1996. This information occupies more than seven banker's boxes, and contains hundreds of large, odd-sized maps.

6. Produce all documents referring to, relating to, or regarding formal or informal Gulf Power policies or field practices concerning utilization of cross-arms, extension arms, or boxing arrangements.

RESPONSE: Gulf Power objects to this request for production on the grounds that it is overly broad, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information which is not relevant to the hearing issues.

7. Produce all documents referring to, relating to, or regarding approvals or denials of requests to employ cross-arms, extension arms, or boxing arrangements by Gulf Power or any other entity attaching to Gulf Power-owned or -controlled poles.

RESPONSE: Gulf Power objects to this request for production on the grounds that it is overly broad, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information which is not relevant to the hearing issues.

8. Produce all documents referring to, relating to, or regarding pole change-outs performed for Complainant cable operators since 1998, including documents that identify all such work performed, including installed equipment, subcontracts, service requests, work orders, time sheets, and site diagrams or maps.

RESPONSE: See responses to requests for production number 2 and 4 above.

9. Produce all documents referring to, relating to, or regarding pole change-outs necessitated by Gulf Power's core electricity service requirements, including documents that identify all such work performed, including installed equipment, subcontracts, service requests, work orders, time sheets, and site diagrams or maps.

RESPONSE: Gulf Power objects to this request for production on the grounds that it is overly broad. Subject to and without waiving this objection, see previously produced documents Bates labeled Gulf Power 00005 -- 00809. Gulf Power does not maintain records of each and every pole change-out necessitated by its core business, but such change-outs occur daily in the field.

10. Produce all documents referring to, relating to, or regarding pole change-outs requested by third parties, including but not limited to communications attachers, including documents that identify all such work performed, including installed equipment, subcontracts, service requests, work orders, time sheets, and site diagrams or maps.

RESPONSE: See responses to requests for production numbers 2 and 4 above.

11. Produce all documents identifying all engineers, technicians, and/or workmen who performed any type of work, labor or service relating to change-outs of Gulf Power-owned or -controlled poles, and identifying the material costs, work, labor, or service that was performed and when it was performed.

RESPONSE: Gulf Power objects to this request for production on the grounds that it overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information which is irrelevant to the hearing issues.

12. Produce all documents referring to, relating to, or regarding refusals by Gulf Power to change-out a pole and identify all persons who participated in the decision, including but not limited to Gulf Power managers, engineers, technicians and/or workmen.

RESPONSE: Gulf Power does not believe it has any such documents in its possession.

13. Produce all documents referring to, relating to, or regarding Gulf Power's procedures for changing-out a pole and identify all persons who participated in the development of such procedures.

RESPONSE: See documents produced herewith as Bates labels Gulf Power 00810 -- 00814. These procedures were written by Ben Bowen with input from others at Gulf Power, Power Delivery.

14. Produce all documents referring to, relating to, or regarding Gulf Power's pole inventory records, including but not limited to documents relating to Gulf Power policies and procedures for maintaining its pole inventory.

RESPONSE: Gulf Power objects to this request for production on the grounds that it is vague and ambiguous. Subject to and without waiving these objections, see response to interrogatory number 27.

15. Produce all documents referring to, relating to, or regarding Gulf Power's purchasing, sharing, pooling, or other arrangements for utilizing inventories of poles with affiliated corporations, parents, subsidiaries, and other organizations or operating units.

RESPONSE: Gulf Power objects to this request for production on the grounds that it is vague and ambiguous. Subject to and without waiving these objections, Gulf Power states that it does not utilize pole inventories of other entities, with the exception

of the ILECs with whom Gulf Power has joint use agreements. Those joint use agreements, are produced herewith as Bates labels Gulf Power 2089 -- 2148.

16. Produce all documents referring to, relating to, or regarding the Safety Space and Gulf Power specifications, regulations and/or policies implementing the Safety Space on poles owned or controlled by Gulf Power.

RESPONSE: See documents produced as Bates labeled Gulf Power 00815 -- 00826. Complainants should also have in their possession a current copy of the National Electric Safety Code ("NESC"), since this is a necessary reference for complainants' field employees. If complainants do not have the current (2002) NESC, it can be purchased at <http://standards.ieee.org/nesc/>.

17. Produce any and all joint use poles agreements, including but not limited to all drafts thereof, between Gulf Power and other entities.

RESPONSE: Gulf Power will produce all such documents in its possession. See documents produced herewith as Bates labels Gulf Power 2089 -- 2148.

18. Produce any and all pole attachment agreements, including but not limited to all drafts thereof, between Gulf Power and any other entities, including Complainants, other attachers, and Gulf Power's affiliated corporations, parents, subsidiaries, and other organizations or operating units, and their predecessors and successors-in-interest.

RESPONSE: Gulf Power will produce all such documents in its possession. See documents produced herewith within Bates range Gulf Power 00826 -- 2309.

19. Produce all documents referring to, relating to, or regarding or comprising a bona fide development plan or plans, including but not limited to all drafts thereof, that reasonably and specifically projects a need for pole space in the provision of Gulf Power's core utility service, including all documents that refer or relate to those documents that comprise the bona fide development plan or plans.

RESPONSE: See documents previously produced by Gulf Power as Bates labels Gulf Power 00005 -- 00809.

20. Produce all documents referring to, relating to, or regarding correspondence from Gulf Power to Complainants reserving pole space for future use for its core electricity operations.

RESPONSE: Other than the Gulf Power spec plates, which should be a part of complainants' pole attachment contracts, Gulf Power is not aware of any such documents in its possession.

21. Produce all documents that constitute Gulf Power's pole specifications book (whether it is called "standard distribution specifications," "overhead construction specifications," or another title), including but not limited to all drafts thereof, in effect between January 1, 1998 and the present. In the event Gulf Power revised the specifications book between January 1, 1998 and the present, produce all versions of the specifications book in effect during this period.

RESPONSE: Gulf Power does not have a pole specifications book other than its spec plates and the NESC. Gulf Power's spec plate is produced as Bates labeled documents Gulf Power 00815 -- 00826. The NESC was last revised in 2002, and is roughly 400 pages in length. If complainants do not have a copy (which would be a troubling revelation), it can be purchased at <http://standards.ieee.org/nesc/>.

22. Produce all documents referring to, relating to, or regarding any pole loading data maintained by Gulf Power, including but not limited to weight and wind loading, or pole loading program (including electronic computer programs) used by Gulf Power.

RESPONSE: Gulf Power objects to this request for production on the grounds that it seeks information which is irrelevant to the hearing issues. For the purposes of this proceeding, Gulf Power is not contending that any specific pole is "crowded" or at "full capacity" because of weight or wind loading. When third parties attach, they are supposed to ensure that NESC weight and wind loading requirements are met. Without waiving this objection, see the NESC. Gulf Power also uses an internal on-line platform for wind/weight loading evaluation.

23. Produce all documents referring to, relating to, or regarding Gulf Power's upgrades, modernization, or replacement of its poles from 1998 through the present.

RESPONSE: Gulf Power objects to this request for production on the grounds that it is overly broad, unduly burdensome, vague, and seeks information which is irrelevant to the hearing issues.

24. Produce all documents referring to, relating to, or regarding the facts, data, calculations and other information that support Gulf Power's claim for a pole attachment rental rate in excess of marginal cost.

RESPONSE: Gulf Power objects to this request for production on the grounds that it is overly broad and unduly burdensome. Gulf Power will disclose its valuation expert's cost methodologies in accordance with the Presiding Judge's March 30, 2005 Order.

25. Produce all documents referring to, relating to, or regarding any maps, diagrams, schematics, or depictions of the specific Gulf Power poles that you claim are at "full capacity," "crowded," or have "insufficient capacity" or a "lack of capacity."

RESPONSE: Gulf Power will produce such documents upon completion of the pole audit being performed by Osmose.

26. Produce all documents referring to, relating to, or regarding any actual losses experienced by Gulf Power that it claims are associated with Complainants' pole attachments on Gulf Power poles, including any documents pertaining to any "higher valued use" or "another buyer of the space waiting in the wings" as described in *Alabama Power v. FCC*.

RESPONSE: Gulf Power objects to this request on the grounds that it is overly broad and unduly burdensome. Subject to and without waiving these objections, Gulf Power states that its actual loss is the difference between Just Compensation and the rate paid by complainants, plus interest.

27. Produce all documents referring to, relating to, or regarding the methodologies, formulae, cost accounts, data and/or other bases, if any, used by Gulf Power in calculating or formulating pole attachment rental rates in excess of marginal cost.

RESPONSE: Gulf Power will work with complainants to reach an agreed-upon a reasonable scope of expert discovery, and produce such agreed-upon documents in accordance with the Presiding Judge's March 30, 2004 Order.

28. Produce all documents referring to, relating to, or regarding negotiations between communications attachers and Gulf Power which discussed, or lead to the payment of, pole attachment rental rates exceeding the FCC's Cable or Telecommunications Formula, 47 U.S.C. § 224(d) and (e) and implementing regulations.

RESPONSE: See documents produced in response to interrogatory number 40.

29. Produce all documents referring to, relating to, or regarding negotiations between joint users (e.g., an incumbent local exchange carrier) and Gulf Power which discussed, or led to the payment of, pole attachment rental rates exceeding in the

FCC's Cable or Telecommunications Formula, 47 U.S.C. § 224(d) and (e) and implementing regulations.

RESPONSE: See documents produced in response to interrogatory number 41.

30. Produce all documents referring to, relating to, or regarding negotiations between non-Section 224, non-joint user attachers (e.g., R. L. Singletary, Inc. and Crest Corporation) and Gulf Power which discussed, or led to the payment of, pole attachment rental rates exceeding in the FCC's Cable or Telecommunications Formula, 47 U.S.C. § 224(d) and (e) and implementing regulations.

RESPONSE: See documents produced in response to interrogatory number 42.

31. Produce all documents referring to, relating to, or regarding cost methodologies, or concepts from or portions of cost methodologies, other than the Sales Comparison Approach, Current Replacement Cost Approach and the Federal Concessions Leasing Model, that Gulf Power may seek to use to determine a pole attachment rental rate exceeding the FCC's Cable or Telecommunications Formula, 47 U.S.C. § 224(d) and (e) and implementing regulations.

RESPONSE: To the extent Gulf Power advances other cost methodologies, Gulf Power will produce such documents within the scope of expert discovery agreed-upon by the parties.

32. Produce all documents referring to, relating to, or regarding Gulf Power's application of the Sales Comparison Approach to determine a pole attachment rental rate exceeding the FCC's Cable or Telecommunications Formula, 47 U.S.C. § 224(d) and (e) and implementing regulations.

RESPONSE: Gulf Power will produce such documents within the scope of expert discovery agreed-upon by the parties.

33. Produce all documents referring to, relating to, or regarding Gulf Power's application of the Current Replacement Cost Approach to determine a pole attachment rental rate exceeding the FCC's Cable or Telecommunications Formula, 47 U.S.C. § 224(d) and (e) and implementing regulations.

RESPONSE: Gulf Power will produce such documents within the scope of expert discovery agreed-upon by the parties.

34. Produce all documents referring to, relating to, or regarding Gulf Power's application of the Federal Concessions Leasing Model to determine a pole attachment rental rate exceeding the FCC's Cable or Telecommunications Formula, 47 U.S.C. § 224(d) and (e) and implementing regulations.

RESPONSE: Gulf Power will produce such documents within the scope of expert discovery agreed-upon by the parties.

35. Produce all documents and other materials that relate to or were referenced in your answers to Complainants' First Set of Interrogatories.

RESPONSE: See documents produced.

Respectfully submitted,



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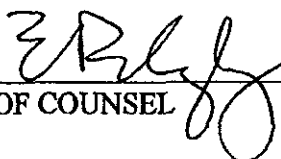
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Counsel for Respondent

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Responses To Complainants' First Set Of Requests For Production Of Documents has been served upon the following by Electronic Mail and by Federal Express on this the 18th day of April, 2005:

Lisa Griffin Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 Via E-mail	Shiela Parker Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 Via E-mail
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OF COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Complainants' Motion to Compel* has been served upon the following by electronic mail and U.S. Mail on this the 11th day of July, 2005:

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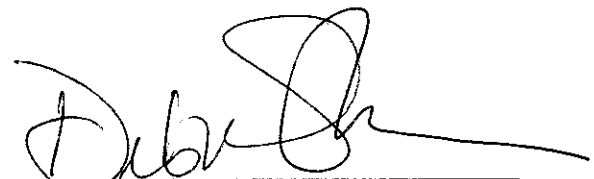
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A handwritten signature in black ink, appearing to read 'Debra Sloan', is written over a horizontal line.

Debra Sloan